

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN NURSING**  
239 Causeway Street, Room 417A  
Boston, MA 02114

**Minutes of the Regularly Scheduled Board Meeting**  
Wednesday, July 12, 2017

**Board Members Present**

B. Levin RN, Chair  
L. Keough, CNP, Vice Chair  
J. Killion, LPN  
C. LaBelle, RN  
J. Fantes, MD  
G. Dufault, LPN  
D. Zucker, RN  
D. Drew, Public Member  
P. Noonan, RN  
L. Kelly, CNP

**Board Members Not Present**

**Staff Present**

L. Silva, RN, DNP, Executive Director  
C. MacDonald, RN, DNP, Deputy Executive Director  
A. MacDonald, RN, Nursing Education Coordinator  
K. Ashe, RN, Nursing Education Coordinator  
O. Atueyi, JD, Board Counsel  
H. Cambra, RN, JD, Complaint Resolution Coordinator  
D. M. DeVaux, RN, SARP Coordinator  
M. Gilmore, RN, SARP Coordinator  
A. Fein, RN, JD, Complaint Resolution Coordinator  
K. Keenan, Licensing Coordinator  
B. Oldmixon, Board Counsel  
K. Fishman, Probation Monitor  
L. Ferguson, Paralegal

**Staff Not Present**

L. Talarico, CNP, Nursing Practice Coordinator

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**TOPIC:**

Call to Order & Determination of Quorum

**DISCUSSION:**

A quorum of the Board was present. Board members and staff introduced themselves.

**ACTION:**

At 9:00 a.m., B. Levin, Chairperson, called the July 12, 2017 Regularly Scheduled Board Meeting to order.

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**TOPIC:**

Approval of Agenda

**DISCUSSION:**

K. Ashe stated that VIII C 1 244 CMR 6.11 Discontinuation/Termination of an Approved Nursing Education Program Bunker Hill Community College, PN Program was deferred.

**ACTION:**

Motion by L. Keough, seconded by J. Killion, and unanimously passed to approve the agenda as revised.

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**TOPIC:**

Approval of Board Minutes for the June 14, 2017 Meeting of the Regularly Scheduled Board Meeting

**DISCUSSION:**

None.

**ACTION:**

Motion by L. Keough, seconded by J. Killion, and unanimously passed to accept the Minutes of the June 14, 2017, Regularly Scheduled Board Meeting.

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**TOPIC:**

Reports, Announcements and Administrative Matters

- A. Executive Director's Report
- B. 2015 LPN Workforce Data Analysis, Guest: MA Health Care Workforce Center
- C. BORM Patient Safety and Quality Division Report, Guest: Diane Hanley
- D. Announcements

**DISCUSSION:**

- A. Executive Director's Report: C. MacDonald briefed the Board on the online application progress.
- B. J. Dyck presented the 2015 LPN Workforce Data Analysis to the Board.
- C. D. Hanley presented the BORM Patient Safety and Quality Division Report.
- D. Announcements: None

**ACTION:**

So noted.

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**TOPIC: SARP**

SARP Activity Report

**DISCUSSION:**

D. DeVaux was available for questions.

**ACTION:**

So noted.

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**TOPIC: Probation**

Probation Staff Action Report

**DISCUSSION:**

K. Fishman presented her report.

**ACTION:**

So noted.

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**TOPIC:** Probation

Licensee's Request for Modification of Consent Agreement, in the matter of O. Verdier, LN95425, NUR-2012-0106

**DISCUSSION:**

K. Fishman presented the request to the Board. The licensee requested a modification for a non-disciplinary agreement not to practice. D. Drew asked about the complaint that led to the probation. B. Oldmixon stated that modifying the consent agreement into an agreement not to practice would still show up on the license's record. A. Fein stated that this would be setting a precedent. L. Silva stated that the Board looked at complaints on a case by case basis. O. Atueyi presented the options to the Board. H. Cambra asked if the Board could offer a reprimand based on the requirements that the licensee had already completed.

**ACTION:**

Motion by D. Drew, seconded by L. Keough, and unanimously passed to close the probation.  
Motion by D. Drew, seconded by L. Keough, and unanimously modify the consent agreement to require two months of active practice and consider that the Licensee met the terms of the Agreement, thereby terminating the probation status on the nurses LPN license. The Board's deliberations included discussion that the violation that was basis for the Licensee's Probation did not include deceit or unethical behavior.

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**TOPIC:** Practice

Massachusetts Coalition for the Prevention of Medical Errors: May 22, 2017 Coalition Meeting Minutes and June 2017 Coalition Report

**DISCUSSION:**

A. Fein presented the reports to the Board and stated that she was attending the meetings from now on.

**ACTION:**

So noted.

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**TOPIC:** Education

A. Nursing Education Staff Report: NONE

B. 244 CMR 6.04(1)(c) & (1)(f) Administrative Changes

- a. Elms College, CEO
- b. Becker College, Program Administrator
- c. Bunker Hill Community College, Program Administrator
- d. Salem State University, Program Administrator
- e. Worcester State University, Program Administrator

C. 244 CMR 6.11 Discontinuation/Termination of an Approved Nursing Education Program

- a. Bunker Hill Community College, PN Program

- b. Northeastern University Direct Entry Nursing (MS) Hybrid Program
- c. Northern Essex Community College Health Advanced Placement Option of the RN Program
- D1. 2017 Q1 MA Graduates Regardless of State of Licensure
- D2. 2017 Q1 MA Licensure Candidates Regardless of State of Education
- E. 244 CMR 6.08(1)(h) NCLEX pass rate less than 80% for first time writers Salem State University Baccalaureate RN Program

**DISCUSSION:**

- A. None.
- B. A. MacDonald presented the administrative changes to the Board and stated that they were in compliance with the regulations. VIII B b Becker College, Program Administrator and c. Bunker Hill Community College, Program Administrator were deferred.
- C. A. MacDonald presented the program discontinuations to the Board. P. Noonan asked about N. Essex
- D1. A. MacDonald presented the report to the Board.
- D2. A. MacDonald presented the report to the Board.
- E. A. MacDonald presented the report to the Board and introduced D. Hills from Salem State to the Board. A. MacDonald recommended the Board accept the report and continue full approval status but find that Salem State need to provide proof of correction of deficiency. D. Drew asked about previous reports submitted by Salem State.

**ACTION:**

- B. Motion by P. Noonan, seconded by D. Zucker, and unanimously passed to find compliance with regulation 244 CMR 6.04(1)(c) in the notification of the appointment of: Harry E. Dumay, PhD, Chief Executive Officer (President), Elms College, Chicopee, MA. Find compliance with regulation 244 CMR 6.04(1)(c) & (1)(f) in the notification of the appointment of: Donna M. Hills, EdD, RN, Chief Nurse Administrator (Program Administrator), Salem State University, Salem, MA and Susan M. Alix, DNP, RN Chair, Department of Nursing (Program Administrator), Worcester State University, Worcester, MA.
- C.

- a. Deferred.
- b. Motion by J. Killion, seconded by L. Keough, and unanimously passed to Find that Northeastern University Direct Entry Nursing Hybrid Nursing Program has provided satisfactory notification of its intent to discontinue the Hybrid Direct Entry Option of Nursing Program in accordance with 244 CMR 6.11.
- c. Motion by L. Keough, seconded by J. Killion, and unanimously passed to Find that Northern Essex Community College Associate Degree Nursing Program has provided satisfactory notification of its intent to discontinue the IHealth Evening Option of the Advanced Placement Registered Nursing Program in accordance with 244 CMR 6.11.

D1. So noted.

D2. So noted.

E. Motion by L. Keough, seconded by J. Killion, and unanimously passed to:

1. Accept the 2017 NCLEX-RN Performance Report submitted by the Salem State University Baccalaureate–RN program (Program), finding the Program has provided satisfactory evidence of compliance with the regulations at 244 CMR 6.04 (1)(a), (1)(b), (1)(c), (1)(d), (1)(f), (2)(a), (3)(b), (4)(a), (5)(a), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f) and noncompliance with 244 CMR 6.04-(1)(e), (1)(g), (1)(h), (2)(b), (3)(a), and (4)(b).
2. Continue Full Approval status at this time.
3. Direct the Program to provide to the Board the following in order to demonstrate correction of the regulatory deficiencies by October 11, 2017:

- a. a complete and current systematic evaluation plan reflecting ongoing systematic collection and evaluation of data; results of which are used to maintain or improve the Program. The revised SEP is to include, but not limited to, clearly stated evaluation criteria, operational definitions, expected levels of achievement specificity (achievable and measurable) across all criterion; a calendar outlining the evaluation schedule; all Board required outcomes; and minutes of committee meetings demonstrating Program faculty participation in the development process [ref: 244 CMR 6.04(1)(e)];
  - b. publication of a written policy for maintenance and retirement of student, graduate and faculty records [ref: 244 CMR 6.04 (1)(g)];
  - c. table updated with name, location and links to published current approval status in official publications [ref: 244 CMR 6.04 (1)(h)];
  - d. provide a faculty job description (full-time) [ref:244 CMR 6.04(2)(b)];
  - e. academic transcripts for all faculty [ref:244 CMR 6.04(2)(b)4];
  - f. verification of faculty qualifications in compliance with Education Policy 02-02 and corrective action plan for ensuring compliance with Education Policy 02-02 in appointments [ref:244 CMR 6.04(2)(b)4];
  - g. publication of a formal mentoring policy for all faculty waived under option 3 of Education Policy 02-02 [ref:244 CMR 6.04(2)(b)4];
  - h. revision of immunization policy to ensure consistency with immunization requirements specified by the MA DPH [ref:244 CMR 6.04(3)(a)1];
  - i. revision of admission policy to demonstrate that admission criteria is applied in a specific and nondiscriminatory manner specifically how admission criteria weighted [244 CMR 6.04(3)(a)2];
  - j. table and data analysis using admission criteria as predictive of student success in the academic program and on NCLEX outcomes [ref:244 CMR 6.04(3)(a)2];
  - k. publication of Program policies which describe the non-discriminatory criteria for the following [244 CMR 6.04(3)(a)2]:
    - i. Advanced placement
    - ii. Attendance
    - iii. Course exemption
    - iv. Educational mobility
    - v. Readmission
    - vi. Graduation
    - vii. Student rights and grievances
  - l. complete a comparative analysis of curriculum and current 2016 NCLEX-RN Detailed Test Plan for Educators – both didactic and clinical with identification of and action plan for the correction of any gaps. [ref:244 CMR 6.04(4)(b)3],
4. Direct the Program to conduct the following in order to enhance the effectiveness of the Program by October 11, 2017:
    - a. develop a plan to ensure that professional development for administrator includes topics that demonstrate maintenance of expertise appropriate to administrative responsibilities [ref: 244 CMR 6.04(2)(a)];
    - b. revised program administrator job description to include the minimum qualifications as required by the Board [ref: 244 CMR 6.04(2)(a)];
    - c. develop a plan to ensure that professional development for faculty includes topics related to education and demonstrates maintenance of expertise appropriate to teaching responsibilities [ref:244 CMR 6.04(2)(b) ];.
    - d. publish end of program outcomes so they are available to students [ref:244 CMR 6.04(4)(b)5].

5. Failure to correct these regulatory deficiencies by the established due date may result in an onsite survey in conjunction with the Board's evaluation of the Program's approval status [ref: 244 CMR 6.08(1)].

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**TOPIC:**

Strategic Development, Planning and Evaluation

A. Systematic Policy Evaluation: None

B. Topics for Next Agenda: None

**DISCUSSION:**

None.

**ACTION:**

None.

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**TOPIC:**

G.L. c.30A, §21 Executive Session

**DISCUSSION:**

None.

**ACTION:**

Motion by D. Drew, seconded by L. Keough, and unanimously passed by roll call vote to go into Executive Session at 10:08 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

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**G.L. c. 30A, § 21 Executive Session 10:08 a.m. to 10:46 a.m.**

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**TOPIC:**

G.L. c. 112, s. 65C Session

**DISCUSSION:**

None.

**ACTION:**

Motion by J. Killion, seconded by L. Keough, and unanimously passed to go into G.L. c. 112, s. 65C Session at < a.m.

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**G.L. c. 112, s. 65C Session 10:46 a.m. to 1:34 p.m.**

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**TOPIC:**

Adjudicatory Session

**DISCUSSION:**

None.

III 12 July 17 Regular Minutes  
(Approved 08/09/2017)

**ACTION:**

Motion by L. Keough, seconded by D. Drew, and unanimously passed to go into Adjudicatory Session at 1:34 p.m. to discuss decisions in pending adjudicatory matters.

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**Adjudicatory Session 1:34 p.m. to 1:43 p.m.**

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**TOPIC:**

Adjournment

**DISCUSSION:**

D. Drew asked about quorum. O. Atueyi asked for members to let the Board know if there are recusal issues. C. MacDonald asked members to let the staff know if they don't have documents. L. Keough asked about the conflict of interest.

**ACTION:**

Motion by D. Drew, seconded by L. Kelly, and unanimously passed to adjourn the meeting at 1:48 p.m.

Minutes of the Board's July 12, 2017, Regularly Scheduled Meeting were approved by the Board on August 9, 2017.

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Barbara Levin, RN  
Chairperson  
Board of Registration in Nursing

Agenda with exhibits list attached.

COMMONWEALTH OF MASSACHUSETTS  
Board of Registration in Nursing

July 12, 2017

PRELIMINARY AGENDA AS OF 6/21/17 5:50pm

Estimated Time	Item #	A. Item	Exhibit	Presented by
9:00 a.m.	I.	B. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF MINUTES A. Draft Minutes for the June 14, 2017 Meeting of the Board of Registration in Nursing, Regular Session	Minutes	
	IV.	REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS A. Executive Director's Report B. 2015 LPN Workforce Data Analysis, Guest: MA Health Care Workforce Center C. BORM Patient Safety and Quality Division Report, Guest: Diane Hanley D. Announcements	Oral/Memo Oral  Oral	LS KA  LS
	V.	SARP A. SARP Activity Report	Memo	MG/DMD
	VI.	PROBATION A. Probation Staff Action Report B. Licensee's Request for Modification of Consent Agreement, in the matter of O. Verdier, LN95425, NUR-2012-0106	Report Memo	KF KF
	VII.	PRACTICE A. Practice Coordinator Staff Report: NONE B. Massachusetts Coalition for the Prevention of Medical Errors: May 22, 2017 Coalition Meeting Minutes and June 2017 Coalition Report	Minutes and Report	ASF



	<b>VIII. EDUCATION</b> A. Nursing Education Staff Report: NONE B. 244 CMR 6.04(1)(c) & (1)(f) Administrative Changes a. Elms College, CEO b. Becker College, Program Administrator c. Bunker Hill Community College, Program Administrator d. Salem State University, Program Administrator e. Worcester State University, Program Administrator C. 244 CMR 6.11 Discontinuation/Termination of an Approved Nursing Education Program a. Bunker Hill Community College, PN Program b. Northeastern University Direct Entry Nursing (MS) Hybrid Program c. Northern Essex Community College Health Advanced Placement Option of the RN Program D1. 2017 Q1 MA Graduates Regardless of State of Licensure D2. 2017 Q1 MA Licensure Candidates Regardless of State of Education E. 244 CMR 6.08(1)(h) NCLEX pass rate less than 80% for first time writers Salem State University Baccalaureate RN Program	Report          Report          Report          Compliance Report	KA          KA          AM          AM
	<b>IX. REQUESTS FOR LICENSE REINSTATEMENT</b> A. None	None	LF
	<b>X. STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION</b> A. Systematic Policy Evaluation B. Presentation/Report C. Topics for Next Agenda		
<>	<b>LUNCH</b>		
	<b>XI. EXECUTIVE SESSION</b> The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.  1. Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants.  2. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status change.  3. Approval of prior executive session minutes in accordance with M.G.L. c. 30A, § 22(f) for sessions held during the June 14, 2017 meeting.	CLOSED SESSION	
	<b>XII. M.G.L. c. 112, § 65C SESSION</b>	CLOSED SESSION	

	<b>XIII.</b>	<b>M.G.L. c. 30A, § 18 ADJUDICATORY SESSION</b>	<b>CLOSED SESSION</b>	
12:00 p.m.	<b>XIV.</b>	<b>ADJOURNMENT</b>		